



**Centre for the Study of
Social and Legal Responses to Violence**



VIOLENCE

Sex/gender-based hate crime: The invisibility of this bias motivation & impact on victims

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Background Context



- During the first year of the pandemic, hate crimes reported to police in Canada increased by 37 percent, with the largest per capita increases documented in 3 Canadian provinces.
- British Columbia's Office of Human Rights Commissioner launched an *Inquiry into Hate in the COVID-19 Pandemic* (see: <https://bchumanrights.ca/inquiries-and-cases/inquiries/inquiry/inquiry-into-hate/>).
- Specific attention given to GBV as a form of hate and hate crime because in Canada & globally, COVID lockdowns led to increases in severity/frequency of GBV.
- It is the first time an inquiry has included this focus in Canada & one of few, if any, globally.



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Background Context



In **Canada**, crimes motivated by hatred of sex are not new, even if they are rarely acknowledged as such.

1989: A lone, white male, armed with a gun, entered a university in Quebec, killing 14 women, expressing his hatred for feminists, before killing himself ('Montreal Massacre').

2015: One of the worst instances of intimate partner femicide in Canadian history left 3 women killed by 1 white man in Ontario.

2018: A white male, driving a van down a busy Toronto sidewalk, killed 8 women, 2 men, injuring 16 others in what is now commonly referred to as the 'Toronto Van Attack' (Ontario).

2020: Beginning with violence perpetrated against his female partner, who survived, 1 white man's killing spree left 13 women and 9 men dead in Nova Scotia.



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Background Context



Intersections of hatred motivated by sex/gender and other hate motivations (e.g., race, religion).

1995-2001: A man is believed to have murdered at least 26 women (and potentially up to 49), many of them Indigenous and/or sex trade workers.

2022: A serial killer guilty of murdering 4 Indigenous women, two of whom were discovered just this month in landfill in a Canadian province.

➤ High-profile killings not acknowledged as hate motivated.

Questions: So what about individual women & girls killed, a significant portion of which are also motivated by hatred, often referred to as femicide? What about non-fatal victims of sex/gender motivated hate?



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How invisible is sex or gender? A Canadian snapshot



- **Police-reported** statistics from 2006-2022 demonstrate that **sex-motivated hate is usually 2% or lower** of total reports of hate.
- Police reported hate-motivated crimes increased in recent period for sexual orientation & race/ethnicity, but not for sex.
- Among **self-reported** data, 49% due to race, 32% due to sexual orientation, **22% due to sex**, 10% due to religion.

So...

- Compared to police-reported statistics, self-report data were:
 - **Similar** for race-motivated hate (50% compared to 49%)
 - **Lower** for hate motivated by religion (25% police recorded compared to 10% self-reported; over-reported by police).
 - **Higher** for sex compared to self-report data (less than 3% compared to 22%; under reported by police).
 - **Higher** for sexual orientation (15%-20% compared to 32%).

Sex-motivated hate is the most underreported by police.



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Sex/gender motivated hate globally



- Hate crime frameworks or legislation vary significantly globally and within countries (e.g., US) or world regions (e.g., Europe).
- In Canada, hate is covered by federal legislation, and specifically, with sex (1977), sexual orientation (1996), and gender identity or expression (2017) included.
- In the US, federally, sexual orientation, gender, & gender identity included; however, different bias motivations recognized at state level.
- In Europe, race, national/ethnic origin, religion are more commonly protected followed by sexual orientation and colour. Less popular grounds are sex, gender identity, mental/physical disability, age, and language, but some of these classes are becoming more prominent (e.g., gender identity).



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What About Misogyny?



- Misogyny has been considered a potential motivation, largely in jurisdictions where sex/gender not included in legislation, but sexual orientation and/or gender identity or expression are.
- This was the case in the United Kingdom where this proposal was rejected in 2022; the concept of 'extreme misogyny' is now being reviewed by UK Parliament.
- Globally, there is a call for misogyny to be seen as a possible 'gateway' to terrorism and to pay more attention to misogyny and its interrelationship to all other forms of terrorism.
- In the Canadian context, misogyny has recently been embedded as a form of violent extremism with the addition of misogynist groups to our listings of terrorist entities.
- There are few studies that examine misogynistic hate crime even though this gap was identified decades ago.



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Sex/gender invisible in hate/bias-motivated research



Díaz-Faes, D. A., & Pereda, N. (2022). Is there such a thing as a hate crime paradigm? An integrative review of bias-motivated violent victimization and offending, its effects, and underlying mechanisms. *Trauma, Violence, & Abuse*, 23(3), 938-952.

As stated in the article: “[not included] **were studies that analyze gender-based or intimate partner violence, domestic violence, peer violence...**”

...despite authors’ stating they use “bias-motivated violence as a more *inclusive* term in which different types of targeted violence converge addressing the intersection process of the multiple factors involved and its mechanisms, as well as effects of this type of violence on victims and their groups or communities (p. 939).

All forms of violence which disproportionately impact women and girls are excluded, even though many may be motivated by hatred of one’s sex or gender. Why is this the case?



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Benefits



- 1) **The symbolic impact:** To do so sends public message that such crimes are unacceptable, both the individual acts and the bias or prejudice that motivated the acts against specific groups, including those identified by their sex or gender and/or GBV.
- 2) **Increased public awareness/education:** To do so allows for deeper discussions about root causes of GBV, seriousness/prevalence, as societal not just individual issue.
- 3) **Emphasizing community impacts:** To do so underscores woman's vulnerability due, in part, to knowledge that GBV often has its origins in discriminatory/ideological attitudes that devalue women as members of a particular group.
- 4) **Enhancing the safety and agency of women:** Regulating GBV as hate is necessary to enhance women's agency, esp. in public domain, allowing them equal access to civil society as well as ensuring their safety in private environments



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Arguments Against GBV as form of hate



- 1) **The 'floodgates' argument:** The extent of resources required to address GBV as hate would be significant given the sheer number of potential cases that may need to be considered and/or the complexity of such cases.

Critiques:

- Volume of expected cases may be proof in and of itself that GBV should be considered as such; however, where it is already possible, this has not been the case (e.g., Canada).
- No evidence that it would be more difficult to respond to the burden of proof for GBV as a form of hate than the burden of proof for other hate crimes.
- When has a crime, particularly a violent crime, not been considered worthy of an appropriate response by virtue of its sheer volume?
- If sex or gender, then what next? Too many others could be added. This has not occurred in Canada with 'other similar factors'.



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Arguments Against GBV as form of hate



1) Hate motivated by sex or GBV different than other crime:

Crimes connected with sex/gender (or GBV) raise unique issues which are not present to the same extent in relation to other characteristics protected in hate crime laws.

Argument and Critique:

- **Women are not a minority:** Women may not be minority in numbers, but are a minority in access to power & privilege.
- **GBV involves interpersonal, intimate conflict, not hate:**
 - a. Intimate conflict can still be motivated by hate.
 - b. Hate crime does not always involve strangers as assumed, but more research is needed.
 - c. Hate motivated by sex/gender often involves victims and perpetrators who do not share a prior relationship.



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Arguments Against GBV as form of hate



Critiques (cont'd):

- **Women are not interchangeable like other hate targets:**
 - a. Women fear for their own safety when another woman in the community is a victim of violence because, for some, any woman will do.
 - b. Not all female victims have prior relationships and, even when they do, their perpetrators do not always restrict their violence to specific and/or individual women.
- **GBV is motivated by power and control:**
 - a. Power & control is not necessarily mutually exclusive of hate?
 - b. Two motivations can co-exist.
 - c. One's desire to impose power & control over an individual can be, in part, an expression of hatred.



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As succinctly summarized by McPhail and DiNitto (2005):

“...the superficial adoption of the term *power and control* by prosecutors demonstrates a lack of a deeper understanding of VAW. For fueling VAW is misogyny for women as a group, and this includes discriminatorily selecting females for attack, **a hallmark of hate crime**. Viewing VAW as *only* because of motivations of power and control leads to a failure to see multiple causations of VAW and precludes the adoption of the perspective that VAW is a hate crime. Adopting a hate crime perspective does not negate including motivations of power and control. But using only the power and control lens limits a fuller understanding of VAW and girls and innovative approaches to addressing it (p. 1180).



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4 Research/Policy Priorities to Move Forward



(1) To enhance monitoring of GBV as a form of hate:

- Use accurate terminology when discussing GBV as hate because of sex, sexual orientation, gender identity and expression;
- Accurately track and monitor GBV as a form hate;
- Accurately account for the complexities of experiences of hate as multidimensional/intersectional;

(2) To examine common understandings of GBV as hate:

- Document legal actors' understandings of GBV as a form of hate;
- Document perceptions of anti-MVAWG and GBV organization staff about the links between hate crimes and GBV
- Document survivors/victims' understandings of GBV as a form of hate
- Document public understandings of GBV as a form of hate



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4 Research & Policy Priorities For Moving Forward (cont'd)



(3) To improve existing legislation and/or mechanisms related to GBV as a form of hate:

- Examine aggravating (and mitigating factors) at sentencing in cases of GBV;
- Develop clear criteria for identifying GBV as a form of hate.

(4) To improve responsiveness to GBV as a form of hate:

- Develop and deliver comprehensive training to legal actors;
- Develop and promote public awareness and education campaigns;
- Ensure the Task Force on Hate Crime includes GBV as a form of hate.



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Conclusion:

The global exclusion of, or lack of emphasis on, MVAWG or GBV as a form of hate has been referred to as:

- “striking” (Haynes and Schweppe, 2020);
- performing a significant normalizing function, making sexual harassment, rape, sexual assault and domestic violence ‘just life for women and girls’” (Brown 2004; 597);
- “a selective depreciation of their victimization” (Jacobs and Potter, 1988: 8); and,
- demonstrating the “institutionalized nature of gender inequality (Pendo 1994: 158).

Therefore, GBV as a form of hate remains marginalized in hate crime legislation/literature just as male violence against women, girls, and sexual minorities continues to remain marginalized in society.



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Thank you! Questions?

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